

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
LUBBOCK DIVISION

STATE OF TEXAS,
Plaintiff,

v.

UNITED STATES DEPARTMENT OF
HEALTH AND HUMAN SERVICES;
XAVIER BECERRA, in his official capacity
as Secretary of the United States
Department of Health and Human Services;
MELANIE FONTES RAINER, in her
official capacity as Director of the
Department of Health and Human Services
Office for Civil Rights,
Defendants.

CIVIL ACTION No. 5:24-cv-00204

**RESPONSE IN OPPOSITION TO DEFENDANTS' MOTION TO DISMISS,
OR IN THE ALTERNATIVE, FOR SUMMARY JUDGMENT, AND
TEXAS'S MOTION FOR PARTIAL SUMMARY JUDGMENT**

Plaintiff, the State of Texas, filed this suit under the Administrative Procedure Act seeking judicial review of the final rule entitled "Standards for Privacy of Individually Identifiable Health Information," 65 Fed. Reg. 82,462 (Dec. 28, 2000), and the final rule entitled, "HIPAA Privacy Rule to Support Reproductive Health Care Privacy," 89 Fed. Reg. 32,976 (Apr. 26, 2024) (the 2024 Rule). Dkt. 1. Texas now moves for summary judgment on its claims challenging the 2024 Rule. Fed. R. Civ. P. 56.

As detailed in the brief in support of this combined Response and Motion for Partial Summary Judgment, Texas is entitled to judgment as a matter of law on its claims challenging the 2024 Rule. All matters required by Local Rule 56.3 are included in Texas's brief. All factual

assertions are supported by the administrative record and the evidentiary appendix filed with this combined Response and Motion for Partial Summary Judgment.

PRAYER FOR RELIEF

The State of Texas respectfully requests that the Court grant this Motion for Partial Summary Judgment, declare the 2024 Rule contrary to law, and vacate the 2024 Rule under 5 U.S.C. § 706(2).

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/s/ Amy Snow Hilton
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COUNSEL FOR THE STATE OF TEXAS

CERTIFICATE OF SERVICE

I certify that the foregoing document was served via the Court's electronic filing system on this 9th day of June, 2025 to all counsel of record.

/s/ Amy Snow Hilton